

REMARKS

Claim 1 has been amended as follows: a 23°C n-decane-soluble component content of (A) a crystalline propylene block copolymer of “15 to 35% by weight” has been amended to read “22 to 35% by weight” and a 23°C n-decane-soluble component content of (B) a crystalline propylene block copolymer of “15 to 35% by weight” has been amended to read “23 to 35% by weight”. Support for the present claim amendments can be found in the working examples of the specification as filed. Thus, Applicants submit that no new matter has been added by the present amendments.

Rejection under 35 U.S.C. § 102(b) / 35 U.S.C. § 103(a)

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over USP 5,883,174 to Akagawa et al. (hereinafter “Akagawa ‘174”).

Akagawa ‘174 discloses a polypropylene resin composition comprising:

- (A) a crystalline ethylene-propylene block copolymer in which a fraction Ac soluble in p-xylene at room temperature and a specific amount of copolymerized ethylene is contained;
- (B) a crystalline ethylene-propylene block copolymer in which a fraction Bc soluble in p-xylene at room temperature and a specific amount of copolymerized ethylene is contained; and
- (C) specific talc particles, wherein
 - (a) the p-xylene-soluble fractions Ac and Bc are in contents As and

Bs, respectively, based on the total weight of copolymers (A) and (B), and satisfying the relationships (1) and (2):

$$As + Bs = 7 \text{ to } 17\% \text{ by weight} \quad (1)$$

and

$$AS / (As + Bs) = 0.1 \text{ to } 0.6 \quad (2)$$

(b) copolymerized propylene contained in each of the copolymers (A) and (B) has a specific isotactic pentad fraction and the mixture of the copolymers (A) and (B) has a specific melt flow rate; and

(c) the copolymers (A) and (B) and the talc particles (C) are in a specific amount (claim 1).

Akagawa '174 also discloses the polypropylene resin composition further comprises ethylene- α -olefin copolymer rubber such as an ethylene-propylene copolymer rubber or an ethylene-butene-1 copolymer rubber in the working examples.

However, Akagawa '174 fails to disclose a total 23°C n-decane-soluble component content of a mixture of the block copolymers (A) and (B) based on the total weight of the block copolymers (A) and (B) of from 22 to 35% by weight as defined in present claim 1. Rather, Akagawa '174 discloses that As + Bs is 7 to 17% by weight.

Both decane and xylene show similar solubilities to the block copolymers as asserted by the Examiner. Thus, Akagawa '174 is silent with respect to the above total 23°C n-decane-soluble component content of a mixture of the block copolymers (A) and (B) of the present invention.

Moreover, Akagawa '174 teaches away from the present invention by describing that:

"If the total content As + Bs of the p-xylene-soluble fractions Ac and Bc in the copolymer components (A) and (B) is less than 7% by weight, or more than 17% by weight, the resultant polypropylene resin composition is unsatisfactory in both the impact resistance and rigidity, and thus unsuitable to produce the interior parts of an automobile." See column 6, lines 23-28.

A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

An object of the present invention is to provide a propylene resin composition having not only excellent mechanical properties (i.e., high rigidity and high impact resistance), but also excellent appearance (i.e., inconspicuous flow mark or weld mark) as described at page 2, lines 9-13 of the specification as filed. The above object has been accomplished for the first time by the present invention as recited in present claim 1.

In more detail, as shown at page 22, Table 1 of the specification, the propylene resin composition of Examples 1 and 2, within the scope of present claim 1, exhibited excellent mechanical properties (i.e., flexural modulus, izod impact strength and low-temperature brittle point) as well as excellent appearance (i.e., improved flow mark appearance) as compared with that of Comparative Examples 1 and 2, outside the scope of present claim 1, when used as a material for automobile interior trim.

Also, the propylene resin composition of Example 3 exhibited excellent mechanical

properties and excellent flow mark appearance as compared with that of Comparative Examples 3 and 4 when used as a material for automobile exterior trim.

Therefore, for the reasons discussed above, the present claims are both novel and unobviousness over Akagawa '174. Applicants respectfully request reconsideration and withdrawal of the outstanding rejection.

Rejections Under 35 U.S.C. § 103(a)

Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over USP 5,880,198 to Kobayashi et al. (hereinafter "Kobayashi"). Applicants respectfully traverse.

Kobayashi discloses a thermoplastic resin composition comprising a propylene polymer component, a styrene-containing elastomer component having a specific structure and talc, wherein the propylene polymer component may be an ethylene-propylene block copolymer, polypropylene resin, or a mixture of at least two propylene polymers each having different flow rate (Abstract).

However, Kobayashi is completely silent with respect to a propylene resin composition comprising two different crystalline propylene block copolymers, each copolymer having a specific 23°C n-decane-soluble component content and the soluble component having a specific intrinsic viscosity as recited in present claim 1.

Moreover, as noted above in the context of the 35 U.S.C. § 102(b) / 35 U.S.C. § 103(a) discussion, the present invention possesses the unexpected and superior results of excellent mechanical properties and excellent appearance.

Thus, in light of the noted distinctions, the present invention is unobviousness over Kobayashi. Applicants respectfully request reconsideration and withdrawal of the outstanding rejection.

Claims 1 and 2 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,837,764 to Akagawa et al. (hereinafter "Akagawa '764").

Akagawa '764 discloses a polypropylene resin composition comprising (A) a specific crystalline ethylene-propylene block copolymer, (B) a specific crystalline ethylene-propylene block copolymer, (C) a specific ethylene- α -olefin copolymer and (D) a specific talc in a specific amount, wherein

$$As + Bs = 7 - 15\% \text{ by weight}$$

$$AS / (As + Bs) = 0.1 - 0.6$$

(wherein the definition of As and Bs is the same with that of Akagawa '174) etc. (Abstract).

However, Akagawa '764 is deficient for the same reasons as those noted in Akagawa '174, discussed above in the 35 U.S.C. § 102(b) / 35 U.S.C. § 103(a) rejection.

Thus, the teachings of Akagawa '764 do not render the present invention obvious. Applicants respectfully request reconsideration and withdrawal of the outstanding rejection.

In view of the foregoing, Applicants believe the pending application is in condition for allowance. A Notice of Allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Reg. No. 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

By 

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